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K 1952

File No. [redacted] 52 (5)

Legal Department
R BRANCH P.3 (C)

Subject:— Notifications under the Bombay Medical Act, 1912.

File No. Medical II/52(R)

Gen. 101 c.

357-R

Legal Department.

The question now raised for the opinion of the R.L.A. is whether the vacancy of the President having occured on account of the death of Dr. Moolgavkar such vacancy can be filled in by nomination or election. Under section 2 of the Act before it was amended in 1950, the power to nominate the President of the Council vested in the State Government. Under the Amended Act, however, it is provided that the election of the President and members shall, subject to the provisions of this Act, be held at such time and place and in such manner as the Medical Council may, by rules or regulations made from time to time in this behalf, direct. What has been held in the R.L.A.'s opinion No. 2867 dated 15th February 1951 is that the Council will hold office for a full period of 5 years. In the present case, the vacancy of the President has occured in the Council which is to hold office for a full period of five years but the right to elect the President has now been vested in the Council and he is to be elected from amongst the members of the Council. Even though the present Bombay Medical Council continues to be in office the power to nominate the President has come to an end on the 23rd January 1951 on which date the Bombay Medical Council

(Amendment) Act, 1950, came into force, and that power cannot be now revived even though the tenure of the old council is unaffected by the amendments. The President will have, therefore, to be elected by the members from amongst themselves under sub-section (4) of section 2 of the Act. If no rules and regulations for such election of the President are made, they may first be made and then the election of the President be held.

Id./..... 3/3

Additional Secretary to Government.

U.R. to L.S.G. & P.H.D.No. 3480 dated the 3rd March 1952.

SMR 2-7-56
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Legal Department.

In view of the information supplied by the Local Self Government and Public Health Department the only modifications that are necessary in the draft notification at pages 53-55 ante are-

(1) to substitute the following entry for entry 12 at page 54, namely:-

"12. Licentiate of the State Board of Medical Examinations, United Provin ces". and

(2) to keep the entry 14 at page 54 as it is i.e. without substituting the words "Uttar Pradesh" for the words "United Provinces".

2 The effect of these two entries would be that under entry 12 a Licentiate of the State Board of Medical Examinatior, United Provinces on or before 15th November 1926 would be eligible for registration. On that date the said Board was renamed as the United Provinces State Medical Faculty, and the Fellow, Member and Licentiate of this Faculty prior to the year 1947 would be eligible for registration. In that year the said Faculty is stated to have ceased as an Examining Body.

Id./..... 30/8

Additional Secretary to Government. U.P. to L.S.G. and P.H.D.No. 14266, dated 3rd Sept. 1952.

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